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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ASSOCIATION OF AMERICAN
RAILROADS and AMERICAN SHORT
LINE AND REGIONAL RAILROAD
ASSOCIATION,**

Plaintiffs,

v.

**LIANE M. RANDOLPH, in her official
capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in
his official capacity as Executive
Officer of the California Air Resources
Board; and ROB BONTA, in his official
capacity as Attorney General of the
State of California,**

Defendants.

No. 2:23-cv-01154-DJC-JDP

**STIPULATION AND ORDER RE:
DEFENDANTS' REPLY IN SUPPORT
OF MOTION TO DISMISS**

Date: January 18, 2024
Time: 1:30 PM
Courtroom: 10 (13th Floor)
Judge: Hon. Daniel J. Calabretta
Trial Date: Not Set
Action Filed: June 16, 2023

1 Plaintiffs ASSOCIATION OF AMERICAN RAILROADS and AMERICAN SHORT
2 LINE AND REGIONAL RAILROAD ASSOCIATION (collectively, "Plaintiffs") and
3 Defendants LIANE M. RANDOLPH, in her official capacity as Chair of the California Air
4 Resources Board; STEVEN S. CLIFF, in his official capacity as Executive Officer of the
5 California Air Resources Board; and ROB BONTA, in his official capacity as Attorney
6 General of the State of California (collectively, "Defendants"), by and through their
7 attorneys of record, hereby stipulate and agree as follows:

8 On November 10, 2023, Defendants filed their Motion to Dismiss in this matter with
9 a hearing set for January 9, 2024. ECF No. 20. On November 24, 2023, Plaintiffs filed
10 their opposition to that motion and a Motion for Summary Judgment, with a hearing also
11 set for January 9, 2024. ECF Nos. 26, 29. On that same day, the Court directed the
12 Clerk's Office to reassign this case to another district judge and vacated "[a]ny hearing
13 dates and deadlines previously set in this matter." ECF No. 27. On November 27, 2023,
14 the Court assigned this case to Judge Calabretta. ECF No. 31. On November 28, the
15 Court reset hearing dates for Defendants' Motion to Dismiss and Plaintiffs' Motion for
16 Summary Judgment, scheduling both for January 18, 2024. ECF No. 33.

17 Given that Judge Calabretta's standing order establishes different page limits than
18 the previously assigned judge's standing order, Defendants seek to clarify the page limit
19 for Defendants' Reply in Support of the Motion to Dismiss. Defendants also seek to
20 clarify the deadline for that same brief. To the extent the Court's order resetting a
21 hearing date also reinstated the original deadline for Defendants' reply as December 4,
22 2023, Defendants seek to extend that deadline.

23 Specifically, Defendants seek to file their Reply in Support of the Motion to Dismiss
24 9 days later than the original deadline, given that the hearing date has been moved out
25 by that same period. And Defendants seek to file a 9-page reply because the opening
26 and opposition briefs (filed under a different standing order) were 15 pages, and Judge
27 Calabretta's standing order limits reply to 60% the length of opening and opposition
28 briefs.

1 Now, therefore, **IT IS HEREBY STIPULATED** by and between all the parties to this
2 action as follows:

- 3 1. Defendants' Reply in Support of the Motion to Dismiss will be due December
4 13, 2023 and may not exceed 9 pages.

5
6 **IT IS SO STIPULATED.**

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8 Dated: November 30, 2023

Respectfully submitted,

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11 MYUNG PARK
12 Supervising Deputy Attorney General
13 NATALIE E. COLLINS
14 MICHAEL S. DORSI
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17 /s/ M. Elaine Meckenstock
18 M. ELAINE MECKENSTOCK (SBN 268861)
19 Deputy Attorney General

20 *Attorneys for Defendants*
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1 Dated: November 30, 2023

Respectfully submitted,

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3
4 /s/ Hayes P. Hyde

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17 *Attorneys for Plaintiffs*

ORDER

Based on the foregoing Stipulation and good cause appearing therefore, IT IS
HEREBY ORDERED that:

1. Defendants' Reply in Support of the Motion to Dismiss, ECF No. 20, will be
due December 13, 2023 and may not exceed 9 pages.

IT IS SO ORDERED.

Dated: December 4, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE